Exhibit 48

United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp. et al.

Civil Action No. 07-10248-PBS

Exhibit to the August 28, 2009 Declaration of James J. Fauci In Opposition To Corrected Boehringer Ingelheim Corporation and Boehringer Ingelheim Pharmaceuticals, Inc.

Local Rule 56.1 Statement of Undisputed Material Facts
in Support of Their Motion For Summary Judgment

Case 1:01-cv-12257-PBS Document 6412-49 Filed 08/28/09 Page 2 of 8

From:

GERRITY, DAN MK BIPUS < gerrity@boehringer-ingelheim.com>

Sent:

Saturday, February 20, 1999 4:22 AM

To:

CIARELLI, GREGG MK BIPUS < gciarell@rid.boehringer-ingelheim.com>

Cc:

GERRITY, DAN MK BIPUS <dgerrity@bi-pharm.com>

Subject:

Redesign & RLI Pricing -- FW: URGENT!! Price Change effective 2/22/99 - Prelu-2

L. O'Sullivan, CSR

Attach:

RLI 0299 Prelu-2 INCREASE DATA.xls; RLI Prelu-2.doc

Gregg,

A few quick questions & thoughts - related to the Redesign.

- What is the RLI price change approval process and who formally approved it (I am not aware of their new methods since Tupa's departure)?
- Were you made aware of this price change before it occurred, and how early in the process were you involved?
- Is RLI's price changes processed in a manner similar to BIPI's in that there is a Pricing Committee to analyze, review and approve each?
- Now that we are one Corporation, should these processes be combined and/or at least have common participants?

We both have noted that since Tupa's departure we have an opportunity to improve these processes and ensure all elements are properly addressed. In particular, I had noted in the past that RLI focused only on WAC pricing and that the AWP's were not adjusted/properly addressed resulting in major spreads. For example, BIPI's WAC to AWP is traditionally a 20% increase for all products, whereas RLI's range from the 30% to 300% depending on the product. The impact I noted on MC was that for the RLI Brands I had to create different conversion tables so that the % rebate of WAC would equal the same dollars off AWP with a much lower %. When I investigated further, I was informed that Judy Waterer never considered changing the AWP with her WAC adjustments this past year.

The bottom line is that these process are the same and we need a process whereby the appropriate individuals are included to ensure all aspects & perspectives are addressed.

I will need to include this in the Redesign, and would appreciate you input on improving this process.

Another late night - so please understand that I had to get this off and hope it makes cents.

Thanks.

Dan Gerrity

Director, Strategic Contracting & Pricing Boehringer Ingelheim Pharmaceuticals, Inc.

Phone: (203) 798-4626 Fax: (203) 791-6189

Email: dgerrity@rid.boehringer-ingelheim.com

----Original Message----

From: MYER, ALEISHA

ROXUS On Behalf Of FELDMAN, RICHARD ROXUS

Sent: Friday, February 19, 1999 11:45 AM

Alesio, Phyllis; Banks, Bruce; Berkle, Shelly; BURTON, HEATHER; CARR-HALL, COLIN; Ciarelli, Gregg; Cumming, Jim; Delaney, John; DICK, HERMAN; Dockins, Terry; ELLEXSON, GARY; FELDMAN, RICHARD; Feller, Greg; Ferrara, Christine; Fulton, Greg; George, Andrew; Gerrity, Dan; GORDON, DAWN; Gordon, Susan; GROEBEL, ROBERT; GUNN, ED; Hankins, Bill; HART, JERRY; HAWTHORNE, PENNY; Hayes, Elizabeth; Hirst, Kathleen; KELMAN, ROXUS; KUTNER, DEBORAH ROXUS; Kwong, Chris; LAROWE, LOUIS ROXUS; Leonetti, Mike; Lloyd, Kimball; LOXLEY, RHODA ROXUS; MATHEWS, EVERETT ROXUS; MATHEWS, KIRK ROXUS; MCCOY, LYNDA ROXUS; MELLODY, JIM; Michelsen, Scott; MYER, ALIESHA; Nelson, Richard; PAOLETTI, LESLI ROXUS; Peterman, Richard; POWERS, JOHN ROXUS; Press, Roseann; QUERRY, DAVID; Robert, Dave; ROSS, TERESA; Rowenhorst, James; RUSSELL, CRAIG ROXUS; Russillo, Tom; SAWYER, TOM ROXUS; SHEPARD, ROXUS; SMITH, DAN; SMITH, MIKE ROXUS; SINCICH, JERRY ROXUS; SNYDER, STEVE; SWARTZ, JOHN

SYKORA, ROBERT ROXUS; Thompson, Tommy; TROWBRIDGE, ELIZABETH ROXUS; VIA, TOM ROXUS; WATERER, JUDY ROXUS; WHITEHILL, NELLIE ROXUS; Zebendon, Cheryl

Subject: URGENT!! Price Change effective 2/22/99 - Prelu-2

Importance: High

Memo from Rich Feldman

Attached please find a copy of the February 22, 1999 Immediate Wholesaler Price Change Announcement. As a courtesy to you, I am sending this **internal document** now in order to give everyone a little advance warning. This price list will be sent via fax modem to Wholesalers and Warehousing Chain Accounts **beginning today**, **February 19, 1999**, **approximately 4:00p.m. EST**.

Due to the fact that the AWP has changed, notification will also be sent to Third Party Pricing Services.

If I have inadvertently left anyone off of the list above please forward this document to them and notify my assistant, Aleisha Myer for future price notifications. Thank you.

Regards, <<...>>

NAMS,

For your reference I have also attached a spreadsheet of the customers that we have notified. This way you can check your accounts to make sure they were all on the list to be notified.

Aleisha

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Roxane Labs/BIP Roxane Labs/BIP	Shopka Slares, Inc.	Smith Drug Company	Smith Medical Partners	Smith's Food & Drug Centers	Sobol Pharmacueticals	Stanford Trading Co.	Statlanders	Stop & Shop/Pharmacy Technologies	Texas Drug Co.	USA Drug	Valley Drug Company	Valley Wholesale Drug Company	Value Drug	Wal-Mart	Walgreen's	Walsh Distribution Co., L.L.C.	Walsh Dohmen Southeast, L.L.C.	Walsh Dohmen Southeast, L.L.C.	n	z

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Pharmaceutical Buyer

Roxane Laboratories, Inc.

February 19, 1999

Richard A. Feldman,

ingelheim.com

Telephone (614) 272-4750 Telefax (614) 276-0158

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PRODUCT PRICE CHANGE NOTIFICATION

Please note, effective 12:01 a.m. Eastern Standard Time, February 22, 1999, there will be an immediate price change for Prelu-2® Timed Release Capsules 105mg within the Roxane Laboratories, Inc., product line. This change is due to an increase in manufacturing and supply costs.

DESCRIPTION	NDC LIST	UNIT	WHOLESALE	AWP
	NO. 0054-	PACKAGING	PRICE	PRICE
Prelu-2® Timed Release Capsules 105mg	2719-25	Bottle of 100	\$100.27	\$120.32

1809 Wilson Road Columbus, Ohio 43228 Telephone (614) 276-4000 Telefax (614) 274-0974

Any order received by Roxane Laboratories, Inc. after 12:01 a.m., Eastern Standard Time on February 22, 1999, will be billed at the new price. <u>Be aware that this announcement is being sent to your headquarters only</u>. Please notify the appropriate personnel in your company of this price change. If there should be any questions about this price, please contact our Customer Service Department at 1-800-520-1631.

Please note any changes or updates of contact person(s) and return by fax to (614) 276-0158 so that we may maintain our records. Thanks for your continued support.

Sincerely,

Richard A. Feldman, R.Ph. Executive Director, Trade and Pharmacy Affairs

RAF/jdk